

House File 2147 - Enrolled

PAG LIN

1 1 HOUSE FILE 2147
1 2
1 3 AN ACT
1 4 RELATING TO THE TEMPORARY APPOINTMENT OF A CONSERVATOR FOR A
1 5 DEPENDENT ADULT IN AN EMERGENCY SITUATION.
1 6
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 8
1 9 Section 1. Section 235B.19, Code Supplement 2005, is
1 10 amended by adding the following new subsection:
1 11 NEW SUBSECTION. 3A. a. Notwithstanding section 633.573,
1 12 upon a finding that there is probable cause to believe that
1 13 the dependent adult abuse is producing irreparable harm to the
1 14 physical or financial resources or property of the dependent
1 15 adult, and that the dependent adult lacks capacity to consent
1 16 to the receipt of services, the court may order the
1 17 appointment of a temporary conservator without notice to the
1 18 dependent adult or the dependent adult's attorney if all of
1 19 the following conditions are met:
1 20 (1) It clearly appears from specific facts shown by
1 21 affidavit or by the verified petition that immediate and
1 22 irreparable injury, loss, or damage will result to the
1 23 physical or financial resources or property of the dependent
1 24 adult before the dependent adult or the dependent adult's
1 25 attorney can be heard in opposition.
1 26 (2) The department certifies to the court in writing any
1 27 efforts the department has made to give the notice or the
1 28 reasons supporting the claim that notice should not be
1 29 required.
1 30 (3) The department files with the court a request for a
1 31 hearing on the petition for the appointment of a temporary
1 32 conservator.
1 33 (4) The department certifies that the notice of the
1 34 petition, order, and all filed reports and affidavits will be
1 35 sent to the dependent adult by personal service within the
2 1 time period the court directs but not more than seventy-two
2 2 hours after entry of the order of appointment.
2 3 b. An order of appointment of a temporary conservator
2 4 entered by the court under paragraph "a" shall expire as
2 5 prescribed by the court but within a period of not more than
2 6 thirty days unless extended by the court for good cause.
2 7 c. A hearing on the petition for the appointment of a
2 8 temporary conservator shall be held within the time specified
2 9 in paragraph "b". If the department does not proceed with a
2 10 hearing on the petition, the court, on the motion of any party
2 11 or on its own motion, may dismiss the petition.
2 12 Sec. 2. Section 633.573, Code 2005, is amended to read as
2 13 follows:
2 14 633.573 APPOINTMENT OF TEMPORARY CONSERVATOR.
2 15 * Except as provided in section 235B.19, a temporary
2 16 conservator may be appointed but only after a hearing on such
2 17 notice, and subject to such conditions, as the court shall
2 18 prescribe.
2 19
2 20
2 21
2 22 _____
2 23 CHRISTOPHER C. RANTS
2 24 Speaker of the House
2 25
2 26
2 27 _____
2 28 JEFFREY M. LAMBERTI
2 29 President of the Senate
2 30
2 31 I hereby certify that this bill originated in the House and
2 32 is known as House File 2147, Eighty-first General Assembly.
2 33
2 34
2 35 _____
3 1 MARGARET THOMSON
3 2 Chief Clerk of the House
3 3 Approved _____, 2006
3 3

3 4
3 5
3 6 THOMAS J. VILSACK
3 7 Governor
